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SUBJECT: PARAGUAY: RESPONSE TO REQUEST FOR CHILD LABOR
INFORMATION

REF: A. 08 STATE 127448

[B](#). ASUN 147

[C](#). 08 ASUN 505

[D](#). ASUN 129

[1](#). (U) This cable responds to the Department of Labor's request for information to determine whether Paraguay is implementing its international commitments to eliminate the worst forms of child labor (ref A).

[A](#). What laws have been promulgated on child labor in the country?

The 1993 Labor Code (Law 213/93) and the 2001 Children's and Adolescents' Code (Law 1680/01) codify Paraguay's child labor laws. The revised Penal Code (Law 3440/08), which goes fully into effect on July 16, incorporates these labor codes in their entirety. The Children's and Adolescents' Code protects children from exploitation in the workplace and prohibits forced or compulsory child labor.

The Labor Code provides for a standard legal work week of 48 hours (42 hours for night work), with one day of rest. The law also allows an annual bonus of one month's salary and a minimum of six vacation days a year. The law requires payment for overtime. The Ministry of Justice and Labor established a mandatory national private sector minimum wage, approximately USD 268 per month (1.34 million guaranies), sufficient to maintain a minimally adequate standard of living for a worker and family. The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognize such conditions. These laws apply to adults and children over age 15 who are allowed to work legally.

The revised Penal Code aligns Paraguayan law with the international conventions it has ratified, including International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor (ratified in 2001); ILO Convention 138 on Minimum Age (ratified in 2004); ILO Convention 29 on Forced Labor (ratified in 1967); ILO Convention 105 on the Abolition of Forced Labor (ratified in 1968); the optional protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The revised Penal Code includes a new statute prohibiting trafficking in persons for sexual and labor purposes. The statute complements the 1997 Adoptions Law and the 2000 Domestic Violence Law that protect children against violence and exploitation.

1B. What is the country's minimum age for admission to work?

The country's minimum age for admission to work is 12 per Paraguay's ratification of ILO Convention 138 on Minimum Age.

Children 12 to 15 years of age and over may work in family enterprises, agriculture, or apprenticeships. The law permits minors between 15 and 18 years of age to work with parental authorization up to six hours per day in nonhazardous working conditions, including industrial work.

1C. Are there exceptions to the minimum age law?

There are no exceptions to the minimum age law for children under age 12. However, the laws on legal work hours for children over age 12 are conflictive. The Child and Adolescent Code and the Labor Code differ on the number of hours per day and times of day children may work between the ages of 13 and 18.

1D. What is the minimum age for admission to hazardous work, and which additional provisions has the country enacted regarding children's involvement in hazardous work?

The minimum age for admission to hazardous work is 18. Law 1657/01 ratifying ILO Convention 182 and decree number 4951/05, the List of Work Endangering Children, enacted provisions regarding children's involvement in hazardous work. Employing children under age 18 in hazardous work and/or employing minors under 12 years is prohibited and punishable by fines of at least USD 10.00 per child according to the Labor Code.

1E. What laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography?

Paraguay ratified ILO Convention 182 when it passed Law 1657/01 in 2001, and developed a list of occupations considered to be the worst forms of child labor outlined in decree number 4951/05 issued in 2005. Those who violate these are subject to prosecution under the Labor Code and the Children's and Adolescents' Code. Those who compel minors to engage in the worst forms of child labor can receive up to five years in jail or a fine in the event of an industrial accident involving child laborers.

Articles 129b and 129c of the revised Penal Code specifically punish trafficking in persons with up to 12 years in prison depending on the crime committed. They forbid compelling anyone to travel outside the country or compelling a minor under 18 to work for purposes of sexual exploitation or forced labor.

1F. Please specify what worst forms are prohibited and describe penalties for violations.

The worst forms of child labor prohibited by decree number 4951/05 include:

11. Public and private monitoring work that threatens the lives and safety of adolescents.

12. Public street work that creates a risk of traffic accidents; respiratory, neurological and skin problems due to environmental pollution and solar radiation; and risk of psychological and sexual abuse, stress, fatigue, and psychosomatic disorders, low esteem, social difficulties, aggressive and antisocial behavior, depression, drug addiction, early pregnancy, and others.

13. Laborers who care for those with illnesses in a capacity that threatens their health, safety and morals.

14. Work involving transfers of money and other property.

15. Activities involving exposure to dust, fumes, vapors and toxic gases, and contact with products, substances or objects of a toxic, combustible, flammable, radioactive, infectious,

irritating or corrosive nature.

¶6. Work with agro-chemicals: handling, transport, sale, application and disposal of chemicals.

¶7. Waste and recyclable materials collection.

¶8. Work in the manufacture, handling and sale of explosive substances or objects or fireworks that produce a risk of death, burns, amputations and other injuries.

¶9. Work in unhealthy conditions.

¶10. Work in mines, quarries, and underground excavations.

¶11. Work that leads to exposure to extreme hot or cold temperatures.

¶12. Work that requires the use of machines and manual and mechanical tools of a sharp, crushing nature.

¶13. Work in environments with exposure to constant noise and vibrations that produce hand-arm syndrome or semi-lunar bone osteolysis.

¶14. Work in the production, distribution and exclusive sale of alcohol or tobacco.

¶15. Work that involves transiting national borders to other countries on a periodic basis.

¶16. Work that involves moving earth and shaping topography, including ditches, pits or holes, canals, water channels, artificial embankments, cliffs that have collapsed, or landslides.

¶17. Night work occurring between the hours of 19:00 and 07:00 the following day.

¶18. Work with cattle.

¶19. Work in eroticized modeling with photography that conveys the risk of psychological harassment, early sexual stimulation, and of sexual abuse.

¶20. Work involving the manual handling of heavy loads, including lifting and placement.

¶21. Work done in confined spaces.

¶22. Work in child domestic servitude.

¶23. Work that damages health as a result of ergonomic posture, isolation, and time pressure.

¶24. Underwater or river-based work that creates a risk of death by drowning, ergonomic injuries, and exposure to inappropriate sexual and psychological abuse.

¶25. Work at heights, including work involving the use of scaffolding, harness and life lines.

¶26. Work with electricity, including the assembly, adjustment and repair of high voltage electrical installations.

The revised Penal Code prohibits the commercial sexual and labor exploitation of children and adolescents and provides for penalties of up to 12 years for trafficking a person into or out of the country for the purpose of sexual and labor exploitation. The revised Penal Code imposes penalties of up to eight years in prison for inducing or coercing a minor to participate in prostitution, perform sexual acts, or work in forced labor conditions. If the perpetrator uses force or enslaves the minor for purposes of sexual or labor exploitation, the penalty increases to 12 years (ref B). The production of child pornography, the sponsoring of public or private shows including someone under 18 years old, and the distribution of child pornographic material is punishable by

up to five years of incarceration or a fine. The penalty for using children in pornography increases to 10 years in prison if the minor is under 14 years of age, the perpetrator is the child's guardian, or the perpetrator acts for commercial purposes. Domestic trafficking for purposes of labor or sexual exploitation is subject to prosecution under the revised Penal Code's pimping statute.

1G. What is the country's minimum age for military recruitment and/or involvement in armed conflict?

The law requires that men register for military service at age 17, and serve one year in the military between the ages of 18 and 25. Congress passed Law 3360/07 in 2007 mandating that all military recruits be at least 18 years of age. The law permits individuals to join workforce training programs in lieu of military service or obtain exemptions from military service as conscientious objectors.

1H. If the country has ratified ILO Convention 182 on the Worst Forms of Child Labor, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

Yes. See responses in 1.E. and 1.F.

12. (U) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor. Please provide answers to the following questions:

1A. What legal remedies are available to government agencies that enforce child labor and worst forms of child labor laws, and are they adequate to punish and deter violations?

Government agencies may enforce child labor and worst forms of child labor laws through civil fines, criminal penalties, and court orders. Prosecutors may enforce child labor laws by bringing legal cases against violators. The Supreme Court and children's civil court have the authority to rule on child labor cases and impose criminal penalties and civil fines on those convicted of violating labor laws. Although a special children's court handles civil cases involving minors, criminal cases involving minors continued to be handled in adult criminal courts.

Although the remedies are adequate to punish violations, the government did not deter violations due to its failure to utilize these remedies. Child labor exploitation remains a problem, particularly in the domestic service, brick and lime manufacturing, and in some agricultural sectors. See response in 5.A.

1B. To what extent are violations investigated and addressed?

The Ministry of Justice and Labor (MJT) is responsible for enforcing child labor laws and inspecting workplaces that employ adolescent workers to ensure they are registered with municipal-level Defense Councils for the Rights of Children and Adolescents (CODENI). The Public Ministry investigates and prosecutes violators based on referrals from the MJT and other agencies. The government did not allocate adequate resources to enable these ministries to enforce the law effectively.

Resources limited the government's ability to investigate and address child labor violations. Trafficking in persons cases for the purpose of sexual or labor exploitation are the only child labor crimes investigated and prosecuted in Paraguay. In the past year, the Public Ministry investigated 46 TIP cases; indicted 11 suspected traffickers and associates involved in trafficking 19 victims, including six minors; and earned convictions in two cases against four traffickers who received six years in prison. In addition to the four traffickers convicted during the reporting period, another 23 traffickers and 16 associates are currently in prison serving sentences for trafficking-related offenses. Of the 62 victims involved in trafficking cases opened this year, 54 were trafficked for purposes of sexual exploitation, six for

forced labor, and two for arranged marriages.

Prosecutors opened a case in January to investigate allegations that four boys and two girls had been trafficked to Japan for purposes of labor exploitation.

1C. What level of resources does the government devote to investigating child labor and worst forms of child labor cases throughout the country?

The 200 public defenders in country, including approximately 50 in Asuncion, work for the Public Ministry and local ombudsman's offices on many types of cases, including child labor cases. However, they lack sufficient resources to perform their jobs and have investigated few cases related to child labor.

1D. How many inspectors does the government employ to address child labor issues?

Paraguay ratified ILO Convention 81 on Work Inspections when it passed Law 1235/67 in 1967. The MJT employs some inspectors to address labor issues, but they do not focus solely on child labor issues. CODENIs work with the ILO to address child labor issues at a local level. About half of municipalities nationwide have CODENIs, and many of these lack basic resources to address child labor issues.

1E. How many police or other law enforcement officials address worst forms of child labor issues?

Although Paraguay does not employ police or other law enforcement officials specifically to address the worst forms of child labor, the government has dedicated resources to fight trafficking in women, children, and adolescents for purposes of sexual and labor exploitation. The government's Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons is an inter-agency commission managed by the Foreign Ministry that coordinates government agencies' efforts to fight TIP. The Public Ministry established an anti-TIP unit in October 2008 with three prosecutors and six assistants dedicated to fighting trafficking in persons. The Interior Ministry has two anti-TIP investigators assigned to Interpol to investigate international trafficking cases. The National Police has a three-member anti-TIP unit that investigates domestic trafficking cases.

1F. How many child labor investigations have been conducted over the past year and how many have resulted in fines, penalties, or convictions?

The only child labor investigations conducted over the past year are related to TIP cases. The results of these investigations are listed in 2.B.

1G. How many investigations into worst forms of child labor violations have been conducted over the past year and how many have resulted in prosecutions and convictions?

The only investigations into the worst forms of child labor violations conducted over the past year are related to TIP cases. The results of these investigations are listed in 2.B.

1H. Has the government provided awareness-raising and/or training activities for officials charged with enforcing child labor laws or worst forms of child labor laws?

The government did not provide awareness-raising or training activities for officials specifically charged with enforcing child labor laws or worst forms of child labor laws. However, the government provides general awareness of child labor laws to officials through training activities in conjunction with the ILO and the Organization for International Migration (IOM). The Ministry of Education and Culture (MEC) hosted a seminar in May 2008 on raising general awareness of child labor and the worst forms of child labor.

13. (U) Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor. Please provide answers to the following questions:

1A. What initiatives has the government supported to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families?

The government, with the help of the ILO and UNICEF, supports several initiatives to prevent children from laboring in exploitative work situations and advocate on behalf of children involved in such employment. These programs focus on improving educational opportunities for youths and reducing the need for children and adolescents to work.

"Vision 2020": The MEC launched Vision 2020, a program designed to improve children's access to education and accountability of children, in June 2008. In addition to improving school conditions, the MEC requires that all schools gather information on the working status of children.

"Well-being" Program ("Tekopora," in Guarani): The Social Action Secretariat (SAS) provides financial assistance to families living in rural communities in Concepcion, San Pedro, Canindeyu, Caaguazu, and Caazapa departments. In exchange for a commitment to send their children to school, each family receives about USD 40 (200,000 guaranies) in financial assistance monthly from the SAS to cover food and education expenses. According to the International Poverty Centre's March 2008 study of the program, the program aims to reduce work disincentives among adults, and to encourage human capital accumulation among the young, while meeting some basic needs.

"Hugs" Program ("Programa Abrazos," in Spanish): This SAS-administered program provides financial assistance to families in Asuncion, Ciudad del Este, and Central Department with street children under 14 years of age. In exchange for a commitment to send their children to school, each family receives about USD 20 (200,000 guaranies) in financial assistance monthly from the SAS to cover food and education expenses. Program administrators also monitor street children and offer them educational, hygiene and health, food and recreation assistance.

"Help Us" Program ("Nopytyvo," in Guarani): This SAS-administered program provides financial assistance to families in the Chaco region. It is similar in nature to the SAS's "Well-being" Program.

"Scream": MEC adopted the ILO's "Scream" child labor intervention campaign in June 2008. The MEC plans to implement the ILO's methodology to assist administrators and public school teachers in identifying child laborers and protecting them from exploitation. MEC occasionally holds seminars to educate its staff about the issue of child labor within the framework of "Scream."

"Extended School" (Escuela Extendida, in Spanish): This is a program developed by the ILO and UNICEF now under consideration by the MEC. The program would pay parents a stipend to send their children to school to participate in extracurricular activities.

"Southern Child" (Nino Sur, in Spanish): This is a Mercosur initiative that defends the rights of children in the region. Paraguay has participated in this initiative by participating in public campaigns against commercial sexual exploitation, trafficking, and child labor; benchmarking its laws with international and Mercosur standards on child labor; and exchanging best practices related to victim protection and assistance with other Mercosur states.

The Children's and Adolescents' Secretariat provides funding

to the NGO Center for Attention, Prevention, and Surveillance of Boys, Girls, and Adolescents (CEAPRA) in Ciudad del Este to assist children who have been trafficked and subjected to sexual exploitation. The Secretariat has also supported the efforts of NGO Grupo Luna Nueva to assist child and adolescent trafficking victims in Asuncion.

Some local labor unions have programs designed to help children avoid child labor exploitation. The National Union of Educators supports the MEC's nationwide child registration program, and the Paraguayan Workers' Confederation runs a youth community center in Asuncion.

¶4. (U) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor? Please provide answers to the following questions:

¶A. Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor?

The National Policy for Childhood and Adolescence outlines the country's comprehensive policy on child labor. This policy includes two plans specifically focusing on child labor: The National Plan for the Eradication and Prevention of Child Labor; and the National Plan for the Prevention and Eradication of Child Sexual Exploitation.

The national policy is administered by the National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI). CONAETI members include representatives from the Ministry of Justice and Labor (MJT), Children's and Adolescents' Secretariat (SNNA), Ministry of Health and Social Welfare (MSPyBS), Ministry of Education and Culture (MEC), Social Action Secretariat (SAS), Women's Secretariat (SMPR), Secretariat of Development for the Repatriated and Conational Refugees (SEDERREC), National Directorate of Surveys, Statistics, and Censuses (DGEEC), Technical Planning Secretariat and CODENI. The ILO, UNICEF, and some labor unions, industry associations, and NGOs are also members of CONAETI.

CONAETI's national plan of action on child labor includes protecting children from abuse through the National System of Comprehensive Protection and Promotion for Children and Adolescents; improving data collection on child laborers; diagnosing the national child labor situation; increasing awareness of child labor exploitation; creating policies to support prevention and detection of child labor exploitation; improving the government's institutional capacity to respond to child labor issues; enhancing legal protections for children; supporting efforts to help prevent sexual exploitation and help victims child labor abuses; implementing a system to monitor child labor; stepping up intervention efforts to reduce child labor; and monitoring and evaluate the government's progress in eliminating exploitative child labor. CONAETI achieves this by administering or supporting programs listed in 3.B.

Department-level governments and municipal CODENI assist children who are victims of child labor. However, they do not have comprehensive programs designed to prevent and withdraw children from the worst forms of child labor.

¶B. (U) Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs, such as Poverty Reduction Strategy Papers, etc?

The country's social policies and programs focus primarily on the education and social welfare of children and adolescents.

However, CONAETI members refer to the National Policy for Childhood and Adolescence to design and implement these policies and programs to reduce child labor and child sexual exploitation.

Since taking office in August 2008, the Lugo administration has prioritized issues relevant to child welfare. The Children's and Adolescents' Secretariat prioritizes assisting

street children and opened in December 2008 a new assistance center in Asuncion for street children. The Women's Secretariat is shifting its focus to domestic violence, including violence against child domestic servants. The Social Action Secretariat prioritizes campesinos issues, including rural children. Although the administration has not placed a high priority on child labor issues, it hopes to improve conditions for children who may be affected by exploitative child labor.

1C. (U) If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

The government has implemented the programs outlined in 3.A. to varying degrees. The IPC study noted that the SAS' "Well-being" Program has been moderately successful. The program assisted 19,500 families as of June 2008. According to the International Poverty Centre, many families participating in the program have been able to put their children in school and generate income without their children's assistance. Paraguay plans to expand this program this year to assist up to 120,000 families. Other similar programs such as the "Hugs" and "Help Us" programs have also been moderately successful in assisting families with children and adolescents vulnerable to child labor exploitation. "Vision 2020" and "Scream" are new MEC programs, and "Extended School" is still under consideration.

These programs are limited in scope and have not yet achieved their goals and objectives in reducing or eliminating exploitative child labor. Nevertheless, in general these programs have not yet succeeded because they lack sufficient resources to assist most Paraguayan families in need. In addition, UNICEF and ILO reported that some families who receive assistance do not follow through with their commitment to put their children through school.

1D. (U) Is education free in law and in practice? Is education compulsory in law and in practice?

Education is free and compulsory in law but not in practice. Children in public schools typically attend school four hours per day, five days per week. However, the ILO estimated in 2008 that approximately 15 percent of children between the ages of five and 17 did not attend school. Most children did not attend school because they work to support their families or themselves, do not have access to public school, or lack basic resources needed to pay for miscellaneous school expenses.

15. (U) Is Paraguay making continual progress toward eliminating the worst forms of child labor?

Paraguay has made some progress toward eliminating the worst forms of child labor. In recent years, Paraguay ratified all ILO conventions related to child labor and the worst forms of child labor, and codified these into law. The country continues to work closely with the ILO, IOM, UNICEF, and other governmental organizations to adopt international labor standards and raise awareness of child labor issues through seminars and reports. It is also increasing its focus on social welfare programs that could help reduce child labor. Paraguay's efforts are a good start, but much work remains to eliminate the worst forms of child labor in Paraguay.

1A. What are the specific sectors/work activities/goods in which children work, and how has this changed over the past year?

Paraguay's child labor situation has not changed substantially over the past year. Evidence shows that some children work as laborers in the brick and lime industries, picking cotton, harvesting sugar cane, and are photographed for pornographic purposes. Some evidence suggests that children work to produce sugar cane, corn, soy, sesame, wheat, mandioca, and stevia, although whether they work illegally in these sectors is inconclusive. Refs C and D

discuss post's position on goods produced using child labor.

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